



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Department of Ecology AO #10-08

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

☒ 31 days after filing.

☐ Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

☐ Yes

☒ No

If Yes, explain:

**Purpose:**

This rule making adopts a mandatory greenhouse gas reporting rule for persons operating:

1. A single facility, source, or site that emits at least 10,000 metric tons of greenhouse gases annually in the state; or
2. A supplier of liquid motor vehicle fuel, special fuel, or aircraft fuel that supplies products equivalent to at least 10,000 metric tons of carbon dioxide annually in the state.

This rule making will establish a new chapter, Chapter 173-441 WAC – Reporting of Emissions of Greenhouse Gases.

**Citation of existing rules affected by this order:**

Repealed: NA

Amended: NA

Suspended: NA

**Statutory authority for adoption:** Chapter 146, Laws of 2010 (Substitute Senate Bill No. 6373), Greenhouse Gas Emissions, Chapters 70.235 and 70.94 RCW

**Other authority :** NA

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 10-18-047 on August 26, 2010.

Describe any changes other than editing from proposed to adopted version:

- Updated WAC 173-441 to incorporate changes to 40 C.F.R. Part 98 made after Washington's proposed rule was drafted. This is consistent with Chapters 70.94 and 70.235 RCW and was described as a possibility on WSR 10-18-047.
- Deleted option to combine biomass emissions with non-biomass emissions for units using methodologies in 40 C.F.R. Part 75 from WAC 173-441-050(3)(d)(ii) and (iii)(A) due to conflicts with RCW 70.94.151(5)(a)(i).
- Allowed more time for reporters to pay the reporting fee.
- Provided more options for source categories that do not have a final protocol in 40 C.F.R. Part 98.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Kasia Patora

Address: Economics and Regulatory

Research, Department of Ecology

PO Box 47600, Lacey, WA 98504-7600

phone (360) 407-6184

fax (360) 407-6989

e-mail [kasia.patora@ecy.wa.gov](mailto:kasia.patora@ecy.wa.gov)

**Date adopted:** 12/1/10

**NAME (TYPE OR PRINT)**

Ted Sturdevant

**SIGNATURE**

**TITLE**

Director, Department of Ecology

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** December 01, 2010

**TIME:** 9:22 AM

**WSR 10-24-108**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>17</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>